

Article 5. Standards for Universal Waste Transporters

§66273.50. Applicability.

This article applies to universal waste transporters (as defined in section 66273.9).

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.50.

HISTORY

1. New article 4 (sections 66273.50-66273.56) and section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New article 4 (sections 66273.50-66273.56) and section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New article 4 (sections 66273.50-66273.56) and section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New article 4 (sections 66273.50-66273.56) and section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New article 4 (sections 66273.50-66273.56) and section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New article 4 (sections 66273.50-66273.56) and section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

§66273.51. Prohibitions.

A universal waste transporter is:

- (a) Prohibited from disposing of universal waste;
- (b) Prohibited from diluting or treating universal waste, except as a consequence of responding to a release as provided in section 66273.54;
- (c) Prohibited from transporting more than five CRTs at any one time unless the CRTs are contained as described in section 66273.33.5, subsection (b)(1)(B); and
- (d) Prohibited from transporting more than 100 kilograms or 220 pounds of electronic devices at any one time unless the electronic devices are contained as described in section 66273.33.5, subsection (a)(1)(B).

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.51.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the

following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. New subsection (c) and amendment of Note filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).

9. New subsection (d) and amendment of Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.

10. New subsection (d) and amendment of Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

11. New subsection (d) and amendment of Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

12. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

13. Editorial correction of History 12 (Register 2009, No. 10.)

§66273.52. Waste Management.

(a) A universal waste transporter shall comply with all applicable U.S. Department of Transportation (DOT) regulations in 49 CFR parts 171 through 180 for transport of any universal waste that meets the definition of a hazardous material in 49 CFR 171.8. For purposes of DOT regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of USEPA specified in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste pursuant to DOT regulations.

(b) Some universal waste materials are regulated by DOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest pursuant to chapter 12, they shall not be described by the DOT proper shipping name "hazardous waste, (I) or (s), n.o.s.", nor shall the hazardous material's proper shipping name be modified by adding the word "waste".

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.52.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register

2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Amendment filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.53. Storage Time Limits.

(a) A universal waste transporter shall only store universal waste at a universal waste transfer facility for ten days or less in an area zoned "industrial" and for six days or less in all other areas.

(b) If a universal waste transporter stores a universal waste for more than ten days in an area zoned "industrial" or for more than six days in any other area, the transporter becomes a universal waste handler with respect to that universal waste and shall comply with the applicable requirements of article 3 of this chapter while storing the universal waste.

NOTE: Authority cited: Sections 25141, 25150, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.53.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Amendment of section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.

9. Amendment of section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

10. Amendment of section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

11. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register

2009, No. 6).

12. Editorial correction of History 11 (Register 2009, No. 10.)

§66273.54. Response to Releases.

(a) A universal waste transporter shall immediately contain all releases of universal wastes and of residues from universal wastes to the environment.

(b) A universal waste transporter shall determine whether any material resulting from such a release is a hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The universal waste transporter is considered the generator of any hazardous waste resulting from the release, and is subject to the requirements of chapter 12.

(c) Hazardous waste consisting only of residue of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.33 or 66273.33.5.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.54.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including new subsection (c), transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.55. Offsite Shipments.

(a) A universal waste transporter is prohibited from transporting a universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped offsite meets the DOT definition of a hazardous material pursuant to 49 CFR section 171.8, the universal waste shall be properly described on a shipping paper in accordance with the applicable DOT regulations under 49 CFR part 172.

NOTE: Authority cited: Sections 25141, 25150, 25150.2, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25150.2, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.55.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of section heading, section and Note filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.56. Exports.

(a)(1) A universal waste transporter who transports universal waste to an OECD country specified in section 66262.58(a)(1) is subject to the requirements of article 8 of chapter 12.

(2) A universal waste transporter who transports universal waste to a foreign destination in a country other than an OECD country specified in section 66262.58, subsection (a)(1), shall not accept a shipment of such waste if the universal waste transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the universal waste transporter shall ensure that:

- (A) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and
- (B) The shipment is delivered to the facility designated by the person who initiated the shipment.

NOTE: Authority cited: Sections 25141, 25150, 25150.2, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.56.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of first paragraph and amendment of Note filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).
9. New subsection (c) and amendment of Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to

Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.

10. New subsection (c) and amendment of Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

11. New subsection (c) and amendment of Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

12. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

13. Editorial correction of History 12 (Register 2009, No. 10.)